

**PODIATRIC MEDICAL BOARD OF CALIFORNIA
BOARD MEETING
June 16, 2022**

SUBJECT: LEGISLATIVE PROGRAM REPORT

ACTION: RECEIVE AND POSSIBLE ACTION REPORT

VII C 1-2

Committee Members:
Michael Zapf, DPM, Chair
Daniel Lee, DPM

This report summarizes legislative and regulatory matters that passed the legislature and that significantly impact the Podiatric Medical Board of California (PMBC).

A. Discussion regarding Legislative Program Update – 2022

PMBC has sent letters of support for the following two bills as the Board advised at the March 17, 2022 meeting.

[AB 1704](#) (Chen) Leg Podiatric radiographic permit: Podiatric Medical Board of California: In Senate. Read first time. To Committee on Rules for assignment; 5.26.22

This bill would exempt from x-ray certification requirements, a person who is working directly under the supervision of a certified podiatrist. Certain restrictions in limiting x-rays to the lower limb, as well as the completion of various training and courses would be required. PMBC would approve the curriculum and the Radiologic Health Branch of the State Department of Public Health would issue the limited permit. (See Attachment A: AB 1704)

[AB 1733](#) (Quirk) State bodies: open meetings. The hearing on this bill before the Assembly Committee on Governmental Organization has been postponed by the Committee, 4.20.22

This urgency bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined, so long as the state body adheres to certain specified requirements such as: ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn. (See Attachment A: AB 1733)

C. Discussion regarding Regulatory Program Update - 2022

Disciplinary Guidelines Regulation Update

This regulatory matter is currently being prioritized by PMBC and regulatory legal counsel at the Department of Consumer Affairs. (DCA). It is expected that this regulation may be completed in 2022.

- D. Attachment A – Letters of Support for AB 1704
- Attachment B – Letters of Support for AB 1733

Prepared by: Kathleen Cooper

Kathleen Cooper, Legislative Analyst

Brian Naslund, Executive Officer



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March 30, 2022

Marc Berman, Chair, Assembly Business and Professions Committee
Legislative Office Building, Rm. 379
Sacramento, CA 95814

RE: AB 1704; Leg-podiatric X-ray equipment: certification or permit exemption
-PMBC Position: Support

Dear Assembly Member Berman,

On behalf of the Podiatric Medical Board of California (PMBC), I write to register PMBC's support of AB 1704; Leg-podiatric X-ray equipment: certification or permit exemption. The provisions of this bill will allow our licensees to improve the podiatric medical care provided to patients in California.

PMBC regulates Doctors of Podiatric Medicine (DPMs) in California. DPMs often serve patients that are immobile or in need of support services to receive care. Efficiencies within the DPMs office, such as allowing for a specialized podiatric X-ray assistant, will shorten and simplify the provision of diagnostic care for mobility challenged patients.

PMBC believes that AB 1704 will assist patients receiving podiatric care in California. Thanking you in advance for your consideration of our position. If you have any questions, please do not hesitate to contact me at 916-263-2650.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Naslund", written over a circular stamp.

Brian Naslund
Executive Officer

Date of Hearing: May 18, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1704 (Chen) – As Amended April 18, 2022

Policy Committee:	Health	Vote:	14 - 0
	Business and Professions		19 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill creates an alternate permit process for unlicensed personnel to perform X-ray imaging under the supervision of a licensed podiatrist. Specifically, this bill:

- 1) Authorizes the Podiatric Medical Board of California (PMBC) to issue a person a limited permit in leg-podiatric radiography that exempts the permittee from existing radiologic certification and permitting requirements, if the person:
 - a) Meets eligibility requirements established by the Department of Public Health (DPH).
 - b) Completes a 100-hour course in radiation safety and radiologic technology jointly approved by the PMBC and the Radiologic Health Branch of the DPH that includes theory and clinical application in radiographic techniques specific to the operation of leg-podiatric X-ray equipment.
- 2) Requires, no later than July 1, 2023, the PMBC and the Radiologic Health Branch of the DPH to jointly approve and make available at least one course that complies with the requirements specified under this bill.
- 3) Specifies that a permit in leg-podiatric radiography authorizes the holder to operate leg-podiatric X-ray equipment in a podiatric office only while under the supervision of a certified supervisor and operator who is a licensed podiatrist.

FISCAL EFFECT:

The PMBC estimates one-time cost of \$140,000 to add a new type of permit to the online license and registration system (Board of Podiatric Medicine Fund). The Department of Consumer Affairs recommends delaying implementation to July 1, 2024 to allow procurement of a vendor to make the necessary changes in the license and registration system.

DPH estimates minor and absorbable costs to approve a course in radiation safety and radiologic technology.

COMMENTS:

- 1) **Purpose.** According to the California Podiatric Medical Association, sponsor of this bill:

To ensure patients receive the immediate care they need, podiatrists seek assistance from individuals to perform the in-office X-ray. These individuals, or “podiatric” medical assistants, are unique...as their primary duty is chairside assisting, while the secondary duty is to take foot and ankle X-rays...the X-ray equipment used in podiatrist office is unique and specialized. Like dental, these are “low dose” X-ray tubes, mounted on standing platforms, providing the podiatrist with weight bearing images. Apart from fractures, nearly all other aspects of podiatric evaluation rely on weight bearing images...

To accommodate this practice, a podiatric-specific limited X-ray permit category (known as “leg-podiatric”) was made available, allowing podiatric medical assistants to become certified... Unfortunately,...there are currently no schools in California offering or willing to offer courses specific to podiatry and all the other permit options are beyond the scope of podiatry. This situation has resulted in fewer and fewer podiatric medical assistants certified to take X-rays, creating a circumstance that harms individual and small group practices’ ability to provide proper patient care.

According to the author:

This bill will create an alternate pathway for trained Podiatric [medical assistants] to take a comprehensive course/exam, certified by the [PMBC], to perform X-rays on specialized podiatric X-ray equipment with built-in safety features, specific to the foot and ankle.

- 2) **Radiologic Technology Act.** The Radiologic Technology Act (Act) was enacted to protect the public from excessive or improper exposure to ionizing radiation. The Act requires any individual who uses X-rays on humans for diagnostic or therapeutic purposes to meet certain standards of education, training and experience. Under the Act, DPH 1) certifies individuals as radiologic technologists in diagnostic, therapeutic and mammographic X-ray use; 2) certifies and permits licensed medical, osteopathic, podiatric and chiropractic doctors to use diagnostic or therapeutic X-rays within their scope of professional license; and 3) approves schools that provide the training courses for non-licensee certificates or permits. A certificate or permit holder may not use X-rays except under the supervision of a licentiate of the healing arts.
- 3) **Leg-Podiatric Radiography.** Currently, a leg-podiatric radiography permit authorizes radiography of the knee, tibia, fibula, ankle and foot. According to DPH, there are currently 57 limited permit X-ray technicians who hold a leg-podiatric radiography permit. However, other certified and permitted individuals may perform leg-podiatric X-rays, such as the 2,674 permitted extremity X-ray technicians and 27,634 certified radiologic technologists.

Analysis Prepared by: Allegra Kim / APPR. / (916) 319-2081

ASSEMBLY THIRD READING

AB 1704 (Chen)

As Amended April 18, 2022

Majority vote

SUMMARY

Permits the Podiatric Medical Board of California (PMBC) to issue a limited permit in leg-podiatric radiography if the person has completed a course in radiation safety and radiologic technology jointly approved by the PMBC and the Radiologic Health Branch of the Department of Public Health (DPH), and the person has satisfied existing eligibility requirements, as specified.

COMMENTS

The Radiologic Technology Act (RTA) was enacted to protect the public from excessive or improper exposure to ionizing radiation. It requires that any individual who uses X-rays on humans for diagnostic or therapeutic purposes meet certain standards of education, training, and experience. Under the RTA, DPH certifies individuals (referred to as certified radiologic technologists) as radiologic technologists in diagnostic, therapeutic, and mammographic X-ray use; certifies and permits licensed medical, osteopathic, podiatric and chiropractic doctors (licentiates of the healing arts) to use diagnostic or therapeutic X-rays within their scope of professional license; and, approves schools that provide the training courses for non-licentiate certificate or permit. These certificate or permit holders cannot use diagnostic or therapeutic X-ray unless that person has been certified or granted a permit, and is acting under the supervision of a licentiate of the healing arts. The categories of limited permits include: chest radiography; dental laboratory radiography; extremities radiography; leg-podiatric radiography; skull radiography; and, torso-skeletal radiography.

- 1) *Leg-podiatric radiography*. A leg-podiatric radiography permit applies to radiography of the knee, tibia, and fibula, and ankle and foot. According to DPH, there are currently 57 limited permit X-ray technicians who hold a leg-podiatric radiography permit. However, other certified and permitted individuals may perform leg-podiatric X-ray such as those who hold an extremity X-ray technician permit (2,674) and certified radiologic technologists (27,634). Regulations require the following for a leg-podiatric permit:
 - a) A total of 190 hours of education: includes radiation protection and safety, radiological physics, principles of radiographic exposure;
 - b) A total of 10 hours Leg-podiatric specific instruction in anatomy and physiology and positioning;
 - c) A total of 20 hours of radiation protection laboratory training conduct experiments that demonstrate methods of reducing dose to patient, personnel, and general population;
 - d) A total of 10 hours of general radiographic laboratory training during which each student shall conduct experiments that demonstrate: i) effects of kilovoltage, milliamperage, filtration, distance, and heel effect on radiographic contrast and detail; and, ii) control of scatter;

- e) A total of eight hours of quality assurance laboratory to illustrate, for chemical image processing, use of step wedge, densitometer and sensitometer; and, for digital imaging processing, appropriate menu selection, body part placement, pre- and post-processing, and image receptor care including erasing and cleaning of receptors; and,
- f) Performance of 50 radiographic procedures under supervision.

Leg-podiatric permit holders are also required to pass a DPH-approved examinations in radiation protection and safety and leg-podiatric radiography. Additionally, permittees must obtain 24 approved continuing education credit every two years. To be eligible for any limited permit categories, including leg-podiatric radiography, an applicant must submit to DPH an application that contains: i) certain information including legal name, birth, social security number or individual taxpayer identification number; ii) identification of the permit category for which the applicant is applying; iii) a limited permit X-ray technician school graduation diploma or certificate in the limited permit category applied for; and, iv) pay a fee.

- 2) *Safety Considerations in Leg-Podiatric Radiography Permits.* Safety considerations include the radiosensitivity of body organs, the nature and complexity of procedures to be performed, the radiation safety protection problems associated with X-ray procedures, the types of patients to be X-rayed (e.g., ambulatory, geriatric, pediatric, bedridden, non-ambulatory), whether contrast media is used for a procedure, the types of facilities (e.g., hospitals, surgery centers, physician or podiatry offices) and equipment to be encountered (e.g., radiographic, fluoroscopic, portable, mobile and computerized tomography equipment, and ancillary medical equipment such as IV pumps, contrast injectors, etc.), and the types of imaging systems used. Similar to other permit requirements, in leg podiatry radiography, it is necessary to ensure that individuals can safely set-up and manipulate equipment through equipment training and demonstrating a strong level of equipment familiarity. Failing to be familiar with the equipment results in increased procedure time, and can increase unnecessary radiation exposure to the patient and others in the vicinity of the X-ray source. Procedural and radiation exposure time can increase because of the individual's inability to quickly manipulate the equipment into the required orientation for obtaining a particular view or inability to orient the equipment over the appropriate area of clinical interest.

According to the Author

This bill will create an alternate pathway for trained Podiatric medical assistants (MAs) to take a comprehensive course/exam, certified by the PMBC, to perform X-rays on specialized podiatric X-ray equipment with built in safety features, specific to the foot and ankle. This bill will enable podiatric doctors to have more narrow, and specialized training for their desired fields.

Arguments in Support

According to the California Podiatric Medical Association, the sponsor of this bill, the existing process that allows limited leg podiatric radiography permittees to obtain a limited permit has become untenable, as there are currently no schools in California offering or willing to offer courses specific to podiatry and all other limited permit options are beyond the scope of podiatry. This situation has resulted in fewer and fewer podiatric medical assistants certified to take X-rays, creating a circumstance that harms individual and group practices ability to provide proper patient care. This bill creates a pathway for individuals already working in a podiatric office to take a comprehensive course and exam that will provide them with the skills and training

necessary to safely perform X-rays with specialized podiatric X-ray equipment specific to the foot and ankle and under supervision of a podiatrist.

Arguments in Opposition

The California Radiological Society (CRS) and the California Society of Radiologic Technologists state that this bill would bifurcate the regulatory oversight of leg-podiatric radiography away from the Radiologic Health Branch to a new process to be developed by the PMBC and would complicate the permitting and enforcement process. The CRS states that no one has raised the problem identified in this bill to the Radiologic Technology Certification Committee (RTCC) for development of possible solutions. CRS believes that the RTCC could review the issue and make changes to improve access to education/training for these limited permittees.

Arguments in Opposition Unless Amended

The California Orthopaedic Association (COA) has taken an oppose unless amended position and requests that this bill limit the activities of the “leg-only podiatric radiography assistant” to those activities within the scope of the practice of the doctor of podiatric medicine who is supervising the assistant. Additionally, COA requests that the course on radiation safety that the podiatric assistant would be required to take and pass, be created and approved by the Radiologic Health Branch at DPH.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

The PMBC estimates one-time cost of \$140,000 to add a new type of permit to the online license and registration system (Board of Podiatric Medicine Fund). The Department of Consumer Affairs recommends delaying implementation to July 1, 2024 to allow procurement of a vendor to make the necessary changes in the license and registration system.

DPH estimates minor and absorbable costs to approve a course in radiation safety and radiologic technology.

VOTES**ASM HEALTH: 14-0-1**

YES: Wood, Waldron, Aguiar-Curry, Arambula, Carrillo, Flora, Maienschein, Mayes, McCarty, Nazarian, Luz Rivas, Rodriguez, Santiago, Kalra

ABS, ABST OR NV: Bigelow

ASM BUSINESS AND PROFESSIONS: 19-0-0

YES: Berman, Flora, Bloom, Mia Bonta, Chen, Cunningham, Megan Dahle, Fong, Gipson, Grayson, Irwin, Lee, McCarty, Medina, Mullin, Ward, Ting, Akilah Weber, Arambula

ASM APPROPRIATIONS: 15-0-1

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Voepel, Mike Fong, Fong, Gabriel, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ABS, ABST OR NV: Eduardo Garcia

UPDATED

VERSION: April 18, 2022

CONSULTANT: Rosielyn Pulmano / HEALTH / (916) 319-2097

FN: 0002445



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March 30, 2022

Marc Berman, Chair, Assembly Business and Professions, and Economic
Development Committee
Legislative Office Building, Rm. 379
Sacramento, CA 95814

RE: AB 1733; State Bodies: open meetings -PMBC Position: Support

Dear Assembly Member Berman,

On behalf of the Podiatric Medical Board of California (PMBC), I write to register PMBC's support of AB 1733; State Bodies: open meetings. As to the provisions relating to podiatric medicine and the management of board activities, this bill will allow PMBC to efficiently and transparently serve the public and keep licensees, stakeholders, and interested parties involved in board activities.

PMBC has benefited by conducting board meetings electronically as this has saved time, stress, and expenses for all involved. We also believe that it has enhanced participation of those unable to attend the Board's physical meetings.

Thanking you in advance for your consideration of our position. If you have any questions, please do not hesitate to contact me at 916-263-2650.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Naslund".

Brian Naslund
Executive Officer

Executive Office

1625 North Market Boulevard, Suite N-308, Sacramento, CA 95834

P (800) 952-5210 | www.dca.ca.gov



May 25, 2022

The Honorable Miguel Santiago, Chair
Assembly Governmental Organization Committee
1020 N Street, Room 360A
Sacramento, California 95814

RE: AB 1733 (Quirk) – Urge Your Support

Dear Chair Santiago:

The Department of Consumer Affairs (Department) urges your support of AB 1733 (Quirk). This bill would revise the Bagley-Keene Open Meeting Act to allow public meetings to be held virtually, as long as the virtual method allows for public participation. This bill would still require at least one physical meeting location to ensure the public can hear, observe, and address the board or bureau committee directly.

The Department consists of 36 boards and bureaus that regulate more than 250 professional licenses, certificates, and registrations in California. These boards and bureaus hold regular public meetings that are subject to the Bagley-Keene Open Meeting Act. During the COVID-19 pandemic, Governor Newsom issued an Executive Order, which has since expired, that allowed boards and bureaus to hold meetings virtually, similar to what is proposed under AB 1733. The Governor's Executive Order was later codified temporarily in the Bagley-Keene Open Meeting Act. While the Executive Order and temporary statutory changes were in place, boards and bureaus experienced increased public participation at their meetings and significant cost savings associated with reduced travel and meeting room costs. The Department strongly believes that AB 1733 strikes a good balance in that the bill would allow meetings to be held virtually, would increase public access, and would still provide a physical location for those participants that would like to attend in person.

As of April 1, boards and bureaus have returned to meeting in person and there have been some challenges. At a recent board meeting, a board member was participating remotely at a library (public location). The meeting continued past the library's operating hours of 5:00 p.m., and the board member had to leave. This impacted the board's quorum, so the meeting had to conclude even though there was more on the agenda. This would not have been an issue if AB 1733 would have been in place because a board member can participate virtually in a private location. Other meetings have been cancelled due to

quorum and meeting location issues. Lastly and more importantly, boards are seeing a significant decrease in public participation with in-person only meetings; however, the public is continuing to participate virtually if that option is available. If AB 1733 doesn't pass and get signed into law, a virtual option will no longer be required, which may eliminate that option for public participation.

For these reasons, we urge your support of AB 1733. We would be happy to put you in touch with board and bureau leadership if you would like additional information or to hear firsthand how AB 1733 would benefit both the public and boards and bureaus. If you have any questions or need further information on this letter, please contact me, or my Deputy Director of Legislative Affairs, Jennifer Simoes, at (916) 574-8200.

Sincerely,



Kimberly Kirchmeyer
Director

Cc: Assembly Member Marc Berman, Chair, Assembly Business and Professions Committee
Senator Richard Roth, Chair, Senate Business, Professions and Economic Development Committee
Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services, and Housing Agency
Stuart Thompson, Chief Deputy Legislative Secretary, Office of the Governor